

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**January 7, 1999**

DIVISION TWO

B104031      Winograd  
v.  
American Broadcasting Company

Filed order modifying opinion. (No change in the judgment)

DIVISION THREE

B113925      James L. Holmes, Jr.      (Not for Publication)  
v.  
Atlantic Richfield Company, etc., et al.

The judgment is affirmed. ARCO shall recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

B121991      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Monica H.

The May 4, 1998 order terminating Mother's parental rights and placing Earica for adoption is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

DIVISION THREE (Continued)

B120486      Mark R. Solit      (Certified for Publication)

v.

The Tokai Bank, Limited, New York Branch

The judgment in favor of Tokai and against Solit is reversed. The trial court is directed on remand to vacate the order granting Tokai's motion for summary adjudication and the order denying Solit's motion for leave to file a second amended cross-complaint, and to enter instead an order denying Tokai's motion for summary adjudication on Solit's seventh cause of action and an order granting Solit's motion for leave to file a second amended cross-complaint. Solit shall recover his costs on appeal.

Croskey, Acting P.J.

We concur:    Kitching, J.  
                 Aldrich, J.

B098069      Southern California Gas Company      (Not for Publication)

v.

Paveco Construction, Inc.

The judgment is reversed. The order granting Paveco's motion for new trial is reversed. The order denying Paveco's motion for JNOV is reversed, and the trial court is directed to vacate its judgment and enter a judgment in favor of Paveco on the gas company's cross-complaint against Paveco. Costs on appeal to Paveco.

Croskey, J.

We concur:    Klein, P.J.  
                 Kitching, J.

January 7, 1999-Continued

DIVISION FOUR

B115287 People (Not for Publication)  
v.  
Rainer

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B120986 People (Not for Publication)  
v.  
Gerard

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Curry, J.

B112285 People v. Carichner (Not for Publication)

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The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

January 7, 1999-Continued

DIVISION FIVE

[illegible]

The judgment is affirmed.

Godoy Perez, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

B117114      People                                  (Not for Publication)  
v.  
Frank Senecal

The judgment is affirmed.

Godoy Perez, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

B116548      Kishore Kaul      (Not for Publication)  
v.  
Frank Johnson

The judgment is affirmed. No costs on appeal are awarded.

Grignon, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

## DIVISION FIVE (Continued)

B121971      People                                (Not for Publication)  
v.  
Ricky L. Ball

The judgment is modified as follows: Defendant is awarded presentence credit of 183 days (123 actual, 60 conduct). A \$200 restitution fine is imposed and stayed pursuant to Penal Code section 1202.45. The abstract of judgment is amended to reflect these modifications.

Grignon, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

B118730      People                                  (Not for Publication)  
v.  
Adrian Coprich

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.  
Armstrong, J.

B121712 Western Pacific Products, Inc. (Not for Publication)  
v.  
Matt Mandala

That portion of the judgment awarding punitive damages is reversed. Matt Mandala is awarded his costs on appeal.

Grignon, J.

We concur:   Turner, P.J.  
                  Godoy Perez, J.

## DIVISION FIVE (Continued)

B119071      People                                  (Not for Publication)  
v.  
Frederick M. Villela

The judgment is modified to reflect a \$200 restitution fine pursuant to Penal Code section 1202.45. In all other respects, the judgment is affirmed. The clerk of the superior court is directed to prepare an amended abstract of judgment consistent with this opinion, including the additional restitution fine imposed pursuant to Penal Code section 1202.45 and correcting the imposition of the \$200 fine imposed pursuant to section 1202.4, subdivision (b). The superior court clerk is then to deliver the corrected abstract of judgment to the Department of Corrections.

Turner, P.J.

We concur: Grignon, J.  
Godoy Perez, J.

B091413      People                                  (Not for Publication)  
v.  
Charles Nelson

The judgment is modified to reflect that the judgment as to counts 2 and 3 are to be two concurrent terms of 25 years to life. Further, the judgment is modified to stay the sentence on the enhancement pursuant to Penal Code section 12022, subdivision (c) in compliance with Penal Code section 654, subdivision (a). In all other respects, the judgment is affirmed.

Turner, P.J.

We concur:    Armstrong, J.  
                          Godoy Perez, J.

DIVISION FIVE (Continued)

B122205      Steven Faraci et al.                      (Not for Publication)  
                 v.  
                 Andrew Geleris et al.

The judgments are reversed. Appellants to recover costs on appeal.

Armstrong, J.

We concur:   Turner, P.J.  
                 Grignon, J.

B118226      Deidre Logsdon et al.                      (Not for Publication)  
                 v.  
                 Richard Van Rixoord et al.

The judgment is affirmed.

Armstrong, J.

We concur:   Grignon, Acting P.J.  
                 Godoy Perez, J.

B118053      Dubs, Incorporated                              (Not for Publication)  
                 v.  
                 Videotape Plus, Inc. et al.

The judgment in favor of VPI is reversed, and the judgment in favor of IVB is affirmed. The motion for sanctions is denied. Appellant to pay IVB'S costs on appeal. In all other respects, the parties shall bear their own costs.

Armstrong, J.

We concur:   Turner, P.J.  
                 Godoy Perez, J.

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J., Boland, J. (Assigned), and Emma Jean Amos, Deputy Clerk.

Each of the following:

B113519 People v. Rivera  
B116806 People v. Williams  
B117097 People v. Anton  
B117115 People v. Reynolds  
B117635 People v. Hale  
B117874 People v. Gonzales & Navarro  
B118482 People v. Mora  
B118522 People v. Taylor  
B119771 People v. Stove  
B119786 People v. Brace  
B120147 People v. Cage  
B121124 People v. Lara  
B122591 People v. Groce  
B122740 DCFS v. Toni W.  
B125756 Vivian J. & Arthur G. v. SCLA  
B116589 Jones v. Hines

Argument waived, cause submitted.

B114386      Edwards  
                 v.  
                 Western Mutual Ins. Company

Merits:

Argued by Joseph Zamora for appellant and by Stephen Marcus for respondent. In open court respondent was given five days to file a supplemental letter brief and appellant's brief due five days thereafter. Cause submitted after the filing of the last letter brief.



DIVISION SEVEN (Continued)

B110986     People  
              v.  
              Quals

Appearances:

Noah P. Hill, deputy attorney general for respondent and no appearance by appellant counsel. Argument waived, cause submitted.

B119202     People  
              v.  
              Gehring

Merits:

Argued by William Turkington for appellant and by Deborah J. Chuang deputy attorney general for respondent. Cause submitted.

Court Recessed at 10:00 A.M.

The Court reconvened at 10:10 A.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J., Boland, J. (Assigned), and Emma Jean Amos, Deputy Clerk.

B116498     People  
              v.  
              Thomas

Merits:

Argued by Ronnie Duberstein for appellant and by Teresa Mann deputy attorney general for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B120234     People  
              v.  
              Garcia

Merits:  
Argued by Robert Bacon for appellant and by Wendy Chase Arenson  
deputy attorney general for respondent. Cause submitted.

B122470     County of Los Angeles  
              v.  
              Carla R.

Merits:  
Argued by Lori A. Fields for appellant and by Gary Gross for respondent.  
Cause submitted.

B117139     People  
              v.  
              Silva

Merits:  
Argued by Richard Schwartzberg for appellant and by Sunnie S. Lee deputy  
attorney general for respondent. Cause submitted.

B114273     People  
              v.  
              Silva

Merits:  
Argued by Brent Riggs deputy district attorney for appellant and by Richard  
Schwartzberg for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B116572     Hart  
              v.  
              Harris & Associates

Merits:  
Argued by Brian C. Unitt for appellant and by Noel Macaulay for  
respondent. Cause submitted.

B115334     Hartford Accident & Indemnity Company  
              v.  
              Hawkins, Schnabel, Lindahl & Beck

Merits:  
Argued by Charles Avrith for appellant and by William P. Naeve for  
respondent. Cause submitted.

B125263     People  
              v.  
              S.C.L.A.  
              (Herbert, r.p.i.)

Merits:  
Argued by Dave Campbell for petitioner and by Terri Towery for real party  
in interest. Cause submitted.

The Court recess.

The Court reconvened at 2:00 P.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J., and Emma Jean Amos, Deputy  
Clerk.

B116681     O'Donnell  
              v.  
              Deo

Merits:  
Argued by Alan M. Reedy for appellant and by Ravi Sudan for respondent.  
Cause submitted.

DIVISION SEVEN (Continued)

B117009     O'Donnell  
              v.  
              Shin

Merits:  
Argued by Alan M. Reedy for appellant and by Robert Gurbuz for  
respondent. Cause submitted.

B105505     Brown  
              v.  
              Contract Cleaning Company

Merits:  
Argued by Judith E. Gordon for appellant and by Kenneth Thompson for  
respondent. Cause submitted.

B116841     Le Cover  
              v.  
              Monteleone Interiors, Inc.

Merits:  
Argued by Clay Robbins, III for appellant and appearance only by Dan  
Bevilacqua for respondent. Cause submitted.

B113241     Baskerville  
              v.  
              Proser

Merits:  
Argued by Alice Seebach for appellant and by H. Steven Schiffres for  
respondent. Cause submitted.

DIVISION SEVEN (Continued)

B107834     Yamahata  
               v.  
               Tiffany & Company

Merits:

Argued by Lawrence Song for appellant and by David Cathcart for  
respondent. Cause submitted.

Court adjourned at 4:00 p.m.